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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,289	05/24/2006	Doron Tam	66599-0005	5837
10/29/759001/23/2009 RADER, FISHMAN & GRAUER PLLC 39533 WOODWARD AVENUE SUITE 140 BLOOMFIELD HILLS, MI 48304-0610				
EXAMINER RANDALL, JR., KELVIN L				
ART UNIT 3651		PAPER NUMBER		
MAIL DATE 01/23/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/580,289

Applicant(s)

TAM ET AL.

Examiner

Kelvin L. Randall, JR.

Art Unit

3651

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/24/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1, 4-8 and 12-18 is/are rejected.
- 7) ☒ Claim(s) 2, 9-11 and 19-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI-08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Specification

2. The disclosure is objected to because of the following informalities: Examiner notes that the word "rearmost" should be changed to near-most as Applicant suggests.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4-6, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson (3,754,370-hereinafter Hanson) in view of F. E. Judkins (1,918,460-hereinafter William)

Re Claim 1:

Hanson teaches a device for dispensing a bag from a stack of bags (col. 5 lines 48-54), the device comprising: a plate (80) mounted on a frame (see Figs. 4 and 6-examiner notes that plate 80 is mounted to the housing i.e. frame), said plate (80) defining a planar bag supporting surface and an opposite planar surface (see Fig. 6); a rotatable

shaft (54) coupled to said frame (examiner notes that the shaft is coupled to the door/housing) (see Fig. 5); at least one roller (53) non-rotatably affixed to said shaft and arranged to engage a bag of the stack of bags nearest said planar bag-supporting surface (col. 6 lines 36-46); means (60) for rotating said shaft whereby said nearest bag is shifted over said at least one roller (col. 6 lines 63-68 and col. 7 lines 1-25); and means (91) for automatically stopping rotation of said shaft after a said nearest single bag has been dispensed (col. 9 lines 58-68), and said nearest bag is dispensed to said opposite planar surface side of said plate, said plate being disposed between said dispensed nearest bag and the stack of bags.

Judkins teaches wherein the stack of bags is held against a planar bag-supporting surface plate (located at 16) (see Fig. 4). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have been motivated to combine the teachings of Hanson with a stack of bags against a support plate as illustrated in William's disclosure, so as to provide an efficient alternative form of dispensing from a stack of bags actuated by a roller assembly. Examiner notes that the replacement of a manual operation with an automatic operation is a design consideration within the skill of the art. In re Venner, 262 F.2d 91, 120 USPQ 192 (CCPA 1955).

Further Re Claim 4:

Hanson teaches wherein said means (91) for automatically stopping includes a dispensed bag detector adapted to stop rotation of said shaft in response to detection of a dispensed bag (see Fig. 4).

Further Re Claim 5:

Hanson teaches wherein said rotating means (60) includes; a motor (60); and a transmission (located at 43) coupling said motor to said rotatable shaft such that said motor drives said shaft (see Fig. 5).

Further Re Claim 6:

Hanson teaches wherein said means (91) for stopping includes a dispensed bag detector coupled to said motor (60) and adapted to stop rotation of said motor in response to detection of a dispensed bag (col. 9 lines 58-68).

Further Re Claim 12:

Hanson teaches a housing in which the device is mounted, said housing including an opening (located near 4) adjacent said opposite side of the plate for removal of a dispensed bag (see Fig. 1)

5. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson in view of Judkins and further in view of E. W. Edwards (3,168,212-hereinafter Edwards).

Re Claims 7 and 8:

Hanson in view of Judkins teach the device as described in claim 1 but fail to teach wherein said means for rotating includes manual means for rotating shaft, And wherein said manual means is a handle.

Edwards further in view teaches wherein said means for rotating includes manual means for rotating shaft, And wherein said manual means is a handle 44 (see Fig. 1). Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to have been motivated to combine the teachings of Hanson and Judkins with that of Edwards so as to have an alternative dispensing technique commonly known within the art.

6. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson in view of Judkins and further in view of S.S. Brenner (3,503,481, hereinafter Brenner).

Re Claims 13-16:

Hanson in view of Judkins teach the device as described in claim 1 but fail to teach a display.

Brenner further in view teaches a display (46) on the outside of the housing (16) (col. 4 lines 69-73). Re Claim 14: Brenner teaches wherein said display includes a frame (16) (see Fig. 1). Re Claim 15: Brenner teaches wherein said display includes a light box (45) (col. 4 lines 69-73). Re Claim 16: Brenner teaches wherein said display includes an electronic display (45 and 4) coupled to a controller (39) (col. 4 lines 69-75). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have been motivated to combine the teachings of Hanson and Judkins with that of Brenner so as to provide an advertisement feature for product promotion.

7. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson in view of Judkins and Brenner and further in view of Dumont (5,641,039-hereinafter Dumont).

Re Claims 17 and 18:

Hanson in view of Judkins and Brenner teach the device as described in claim 13 but fail to teach wherein said controller is coupled to a central store computer or cash register.

Dumont teaches wherein said controller is coupled to a central store computer (35). Re Claim 18: Dumont teaches further comprising a controller for controlling said device, and an electronic connection for coupling said controller to a cash register (35) for communication therewith (see Summary of the Invention). Therefore, it would have been obvious for one of ordinary skill in the art to modify Hanson in view of Judkins with that of Dumont's due to the fact that they are all bag dispensers located within a general store environment and with today's modern advancements in technology it would be clear to convert a typical coin dispenser, which intention is to monitor a dispensing

means, with a newer mechanism for monitoring, such as a computer or likewise cash register.

Allowable Subject Matter

8. Claims 2, 9-11, and 19-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin L. Randall, JR. whose telephone number is (571)270-5373. The examiner can normally be reached on Monday-Friday 8:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571)272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gene Crawford/
Supervisory Patent Examiner, Art
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